

REMARKS/ARGUMENTS

Claims 3, 5, 6, 9-15, 18, 20, 21, 24-30, 33, 35, 36 and 39-49 are pending in the present application. Claims 10, 14, 15, 25, 29, 30, 40 and 44-46 have been amended, and Claims 48 and 49 have been added, herewith. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 103, Obviousness

The Examiner rejected Claims 3, 6, 9, 11-13, 18, 20, 21, 24, 26-28, 33, 35, 36, 39, 41-43, 46 and 47 under 35 U.S.C. § 103 as being unpatentable over Nehab et al., U.S. Patent No. 6,029,182 further in view of Greenwood, U.S. Patent No. 6,675,212. This rejection is respectfully traversed.

Claim 3 is directed to a method for pre-filtering content based upon how such content will be presented by a client. Two types of determinations are made in the content filtering methodology. First, a determination is made as to an accessibility level of the content based on accessibility criteria. Then, a determination is made as to whether the determined accessibility level of the content meets an accessibility requirement for the user. Thus, there is both an accessibility level of the content, and an accessibility requirement for a user. The accessibility level of the content is determined, and this determined accessibility level is then used to determine if the content meets an accessibility requirement for a user. None of the cited references teach or suggest the two-phased determination (determining an accessibility level of the content, and then determining whether this determined accessibility level meets an accessibility requirement for a user). For example, none of the cited references teach any type of accessibility level being determined, and then using this determined accessibility level of the content in a subsequent determination step that determines whether this determined accessibility level meets an accessibility requirement for the user. While the cited Nehab reference mentions content analysis, this content analysis is with respect to using specified keyword criteria in such analysis (col. 8, lines 51-52), where articles may be ranked based on the occurrence of such keywords. Such ranking is not based on an *accessibility level of the content*, as claimed, but rather is based on the particular words in the content. Quite simply, this particular aspect of Claim 3 (accessibility level determination) is directed to ranking content *based upon how the content will be presented*, whereas the reference teaches a ranking *based on what the actual content is*.

Importantly, the Examiner expressly acknowledges, on page 9 of the Office Action dated 7/26/2005 (1st full paragraph), that Nehab fails to teach 'determining how the content will be presented' and yet this missing feature is expressly recited in Claim 3 (Claim 3 recites: performing an evaluation of the content for accessibility by a user, wherein performing an evaluation of the content for accessibility by a user includes *determining an accessibility level of the content based on accessibility criteria that is*

determined by analyzing how the content will be presented by the client). This deficiency in the teachings of Nehab is again repeated by the Examiner on page 11, first paragraph of the most recent Office Action dated 3/9/2006, where the Examiner states:

"Nehab and Greenwood fail to teach the limitation further including the determining how the content will be presented to the user and modifying the content if the result of the evaluation does not meet the accessibility requirement for the user" (emphasis added by Applicants).

Thus, it is urged that Claim 3 is not obvious in view of the cited references, as there are missing claimed features not taught or suggested by any of the cited references¹, as expressly acknowledged by the Examiner in the present Office Action.

Applicants initially traverse the rejection of Claims 6, 9, 11-13, 18, 20, 21, 24, 26-28, 33, 35, 36, 39, 41-43, 46 and 47 for similar reasons to those given above with respect to Claim 3.

Further with respect to Claims 46 and 47, the Examiner states that 'a proxy server on a network', as recited in the preamble, is given no patentable weight because it merely recites (i) the purpose of a process, or (ii) the intended use of a structure. Applicants urge error in such assertion, as every element of these claims is specifically directed to a portion of the proxy server recited in the preamble. For example, Claim 46 recites:

A proxy server on a network that facilitates communication between a search engine and a user, comprising:

means for receiving a search request from the user;
means for forwarding the search request to the search engine;
means for receiving search results of the search request from the search engine;
means for performing an evaluation of content pertaining to the search results for accessibility by the user by analyzing how the content is specified to be presented to the user;

¹ To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. See also, *In re Royka*, 490 F.2d 580 (C.C.P.A. 1974) (emphasis added by Applicants). If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

means for providing the content to the user if a result of the evaluation meets an accessibility requirement for the user; and

means for modifying the content if the result of the evaluation does not meet the accessibility requirement for the user such that the content meets the accessibility requirement for the user.

As can be seen, Claim 46 recites six (6) specific elements of the proxy server, and thus it is error to ignore the fact that the claim is specifically directed to a proxy server. In any event, Applicants have amended Claim 46 to restate that the elements are part of the proxy server. Accordingly, Claim 46 is not being amended for purposes of patentability, but instead is being amended to provide form over substance. It is urged that none of the cited references teach or otherwise suggest the claimed proxy server, and thus Claims 46 and 47 are further shown to not obvious in view of the cited references.

Therefore, the rejection of Claims 3, 6, 9, 11-13, 18, 20, 21, 24, 26-28, 33, 35, 36, 39, 41-43, 46 and 47 under 35 U.S.C. § 103 has been overcome.

II. 35 U.S.C. § 103, Obviousness

The Examiner rejected Claims 5, 20 and 35 under 35 U.S.C. § 103 as being unpatentable over Nehab and Greenwood further in view of Rowan et al., "Evaluating Web Resources for Disability Access." This rejection is respectfully traversed.

Applicants traverse the rejection of Claim 5 (and similarly for Claims 20 and 35) for reasons given above with respect to Claim 3 (of which Claim 5 depends upon), and urge that the additionally cited reference used in the present 35 USC 103 rejection does not overcome the teaching deficiency identified above with respect to Claim 3.

Therefore, the rejection of Claims 5, 20 and 35 under 35 U.S.C. § 103 has been overcome.

III. 35 U.S.C. § 103, Obviousness

The Examiner rejected Claims 10, 14, 15, 25, 29, 30, 40, 44 and 45 under 35 U.S.C. § 103 as being unpatentable over Nehab and Greenwood further in view of Kennel et al., "WAB: World Wide Web access for blind and visually impaired computer users." This rejection is respectfully traversed.

Applicants urge that Claim 10 has been erroneously rejected under 35 USC 103, as none of the cited references teach or suggest the claimed feature of "providing the content to the client *if a result of the evaluation meets an accessibility requirement for the user*" (emphasis added by Applicants). As can be seen, *the content is conditionally provided to the client*, and the condition being used to determine whether to provide the content is "if a result of the evaluation meets an accessibility requirement for the

"user". "The evaluation" (which is a part of this conditional determination) is defined by Claim 10 to be "performing an evaluation of the content for accessibility by a user by determining *how* the content will be presented to the user". None of the cited references teach or suggest (i) conditionally providing content to a client by determining how the content will be presented to the user or (ii) whether this determination of *how* the content will be presented to a user meets an accessibility requirement for the user. The two passages (Nehab col. 1, lines 20-23 and Nehab col. 1, lines 13-34) cited by the Examiner in rejecting both of these claimed steps makes no mention of any determination as to *how* the content will be presented, nor providing content to a user *conditionally* based upon whether the '*how* the content will be presented to the user' meets an accessibility requirement for such user. Rather, these cited passages describe *retrieval of data based upon a personalized data retrieval structure*. There is no subsequent determination of how such retrieved data will be presented to a user, or subsequent conditional actions based on this (missing) determination of how such retrieved data will be presented to a user. Restated, the cited Nehab and Greenword references that are used in rejecting this aspect of Claim 10 are directed to techniques for determining what to actually retrieve. The cited Kennel reference unconditionally modifies content. Such references provide no teach or suggestion of post-processing of data after being retrieved to determine how the content will be presented and then using this determination to conditionally provide content to a user. Therefore, a prima facie case of obviousness has not been established by the Examiner with respect to Claim 10, and thus Claim 10 has been erroneously rejected under 35 U.S.C. § 103.

With respect to Claim 14 (and similarly for Claims 29 and 44), it is respectfully urged that none of the cited references teach or suggest the claimed feature of "modifying the content such that the content meets the accessibility requirement for the user, wherein modifying the content includes *changing values for tags in the content* based on one of a rule set and an algorithm such that the content meets the accessibility requirement for the user" (emphasis added by Applicants). In rejecting Claim 14, the Examiner states that Nehab teaches this claimed feature at col. 4, lines 13-25 and col. 2, lines 58-64 in that Nehab teaches flattening the extracted data tree and formatting the linear document. Applicants urge that while this cited passage may teach formatting a hypermedia document, the features of Claim 14 go beyond such document formatting, and include a specific step of *changing values of tags in the content itself* such that the content meets the user accessibility requirements. This changing of values for tags in the content to meet the user accessibility requirements is conditioned upon a determination that the content does not meet such requirements. Per the Examiner's interpretation of the Nehab teachings, the content is not provided at all if it does not meet the personalized data retrieval criteria, or in other words it is merely excluded (col. 12, lines 5-21). There is no teaching whatsoever as to conditionally modifying non-conforming content such that it is conforming, *based upon a determination of such non-conformance*.

In any event, Claim 14 has been amended to further emphasize that content modification is specific for a given user, thereby advantageously providing a greater degree of customization than what was done in the past, in that the customization can be specific to the particular needs of a given individual. Per the teachings of Kennel, a document is unconditionally modified the same for all users. Therefore, it is urged that Claim 14 is not obvious in view of the cited references, as all the limitations recited in the claims are not taught or suggested by the cited references.

With respect to Claim 15 (and similarly for Claims 30 and 45), Applicants urge that none of the cited references teach or suggest the claimed feature of "modifying the retrieved content such that the retrieved content meets the accessibility requirement for the user, wherein performing the evaluation of the retrieved content for accessibility by the user includes *logging elements of the retrieved content that do not meet accessibility criteria*, and wherein modifying the retrieved content includes *modifying logged elements and then re-evaluating the retrieved content* to confirm the accessibility requirement for the user has been met by such retrieved content modification" (emphasis added by Applicants). As can be seen, this feature of Claim 15 is directed to *logging* of non-complying elements, *modifying* such logged elements, and then *re-evaluating* the retrieved content to confirm that the accessibility requirements have been met by such modification. In rejecting this aspect of Claim 15, the Examiner states that Nehab teaches this claimed feature at col. 4, lines 13-25, col. 2, lines 58-64 and col. 4, lines 35-39 in that Nehab discloses 'a formatted document processed again'. Applicants urge error in such assertion, as none of these cited passages teach two evaluations being performed with respect to user accessibility requirements, and thus there is no teaching of *re-evaluating the content to confirm the accessibility requirement for the user has been met by such content modification* (such content having been *conditionally modified* if the user accessibility requirement has not been met). While the passage cited at Nehab col. 2 alludes to two steps being performed as a part of a single format operation – retrieving data from a hypermedia document into an extracted data tree (with the data retrieved being based on a structure of the hypermedia document, and not being based on any type of user criteria, as claimed), and flattening the data tree into a linear document for formatting such document – there is no user accessibility criteria (such as the claimed accessibility requirement for a user) used in any part of this process. Thus, this passage does not teach any type of *content re-evaluation to confirm the accessibility requirement for the user has been met* by any type of content modification. The passage cited at Nehab col. 4, lines 35-39 merely describes document formatting user pre-defined formatting settings, and is similarly deficient in any type of dual-evaluation processing with respect to *accessibility requirements of a user* – one being done before content modification and the other being done after content modification. Therefore, it is urged that Claim 15 is not obvious in view of the cited references, and thus has been

erroneously rejected, as all the limitations recited in the claims are not taught or suggested by the cited references.

Applicants traverse the rejection of Claims 25 and 40 for similar reasons to those given above with respect to Claim 10.

Applicants traverse the rejection of Claims 29 and 44 for similar reasons to those given above with respect to Claim 14.

Applicants traverse the rejection of Claims 30 and 45 for similar reasons to those given above with respect to Claim 15.

Therefore, the rejection of Claims 10, 14, 15, 25, 29, 30, 40, 44 and 45 under 35 U.S.C. § 103 has been overcome.

IV. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: June 5, 2006

Respectfully submitted,



Brian D. Owens
Reg. No. 55,517
Wayne P. Bailey
Reg. No. 34,289
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorneys for Applicants